

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

GE HFS HOLDINGS, INC.  
*Formerly known as*  
HELLER HEALTHCARE FINANCE,  
INC.,

Plaintiff,

and

MICHAEL INGOLDSBY,

Intervenor/Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA, and  
INTERNATIONAL INSURANCE  
GROUP, LTD.,

Defendants.

CIVIL ACTION No: 05-CV-11128-NG

**PLAINTIFF-INTERVENOR MICHAEL INGOLDSBY'S OPPOSITION TO  
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH PA'S  
MOTION FOR PROTECTIVE ORDER AND CROSS-MOTION TO COMPEL**

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NOW COMES the Plaintiff-Intervenor Michael Ingoldsby and hereby opposes the Motion for Protective Order filed by Defendant National Union Fire Insurance Company of Pittsburgh, PA, ("National Union") pursuant to Federal Rule of Civil Procedure 26(c). The Plaintiff-Intervenor also moves to compel the Defendant to participate in discovery as required under Rules 30 and 37 of the Federal Rules of Civil Procedure and in accordance with the Joint Motion for Continuance prepared by the parties and entered by the Court (Dein, J.) on August 28, 2006. Specifically, the Plaintiff-Intervenor moves that

this Honorable Court compel the Rule 30(b)(6) deposition of Defendant National Union. The Plaintiff-Intervenor further moves for expenses and sanctions under Rule 37(a)(4) of the Federal Rules of Civil Procedure. In support hereof, the Plaintiff-Intervenor submits the Plaintiff-Intervenor's Memorandum of Reasons in Support of Plaintiff-Intervenor's Opposition and the Affidavit of Gregory J. Aceto, Esq. and Affidavit of Michael Ingoldsby.

#### **STATEMENT OF COMPLIANCE**

The Plaintiff-Intervenor hereby certifies that counsel for the Plaintiff-Intervenor has consulted with counsel for the Defendant via email pursuant to LR, D.MASS. 7.1(A). Counsel for the Defendant informed Plaintiff-Intervenor's counsel that the Defendant would not attend its noticed Deposition.

#### **REQUEST FOR ORAL ARGUMENT**

Pursuant to LR, D.MASS. 7.1(D), the Plaintiff-Intervenor respectfully requests a hearing on the matter.

#### **CONCLUSION**

Based on the foregoing, the Plaintiff-Intervenor respectfully requests that this Honorable Court deny Defendant's Motion for Protective Order, allow his Cross-Motion to Compel and award all expenses incurred by the Plaintiff-Intervenor under Fed.R.Civ.P. 37(a)(4).

Respectfully submitted,

MICHAEL INGOLDSBY,  
By his attorney,

/s/ Gregory J. Aceto, Esq.  
Gregory J. Aceto, Esq.  
BBO No. 558556  
JOHNSON & ACETO, LLP  
67 Batterymarch Street, Suite 400  
Boston, MA 02110  
(617) 728-0888

Dated: September 21, 2006

**Certificate of Service**

I hereby certify that on September 21, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in the matter via e-mail. I further certify that copies will be sent via U.S. Mail to all counsel in the matter who are not registered with the CM/ECF system.

/s/ Gregory J. Aceto  
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